

## REMARKS

Applicants respectfully request non-entry of the previously filed unentered amendment dated March 18, 2004.

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 12 and 15 have been amended to properly define preexisting limitations and are supported by the specification. Claims 9 and 16-30 have been cancelled, without prejudice. New claims 31-46 have been added.

### *Response to Advisory Action*

Applicant thanks the Examiner for the courtesy phone call explaining the mistaken indication in the office action mailed February 24, 2004 that claims 1-15 are allowed. Furthermore, claim 1 has been amended, per the Examiner's suggestion, to more properly define preexisting limitations in the claims as supported by the specification. Also, claims 31-46 have been added to claim additional embodiments of the invention similar to those recited in claim 1, as will be further explained below.

### *Rejections Under 35 U.S.C. § 101*

Claims 1-8, 10-16, 18-19 and 21-30 were rejected under 35 USC §101 as being directed to non-statutory subject matter. Applicant respectfully submits the above amendments overcome the rejections under 35 USC §101 in as much as claims 1-15 now recite a computerized method electronically performing the limitations. Applicant further submits that new claims 31-44 recite the claimed limitations within a useful, concrete, and tangible computer-readable medium having instructions to cause a computer to perform the computerized method, as claimed and supported in the specification.

Furthermore, Applicant respectfully submits that new claims 45-46 claim useful, concrete, and tangible systems, as claimed and supported in the specification. Accordingly, Applicant respectfully submits claims 1-15, and 31-46 recite statutory subject matter under MPEP §2106. Therefore, Applicant respectfully requests the rejections under 35 USC §101 be withdrawn.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-8, 10-16, 18-19 and 21-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,131,087 of Luke et al. (“Luke”) in view of U.S. Patent No. 5,841,958 of Buss et al. (“Buss”). As discussed in the phone call with the Examiner, Applicant respectfully submits that the combination of Luke in view of Buss, individually or in combination, do not disclose or suggest, each and every element as recited in claim 1. Specifically, Applicant respectfully submits that the bid value as recited in claim 1 is not equivalent to the price value as disclosed in the combination. The price value as disclosed in Luke is just a single dimension of a geometric object and **is not generated based upon a combination of attribute values**. The generated bid value, as claimed, is a price that is based upon the combination of attribute values (e.g., based on a corresponding variance value relative to a nominal value). Luke does not disclose or suggest that the price dimension may be based upon a combination of attribute values, as claimed. Buss fails to cure the deficiency of Luke as stated above.

New claims 31-46 embody the invention recited in claim 1 within a useful, concrete, and tangible computer-readable medium and system as claimed. Therefore, claims 31-46 are patentable, at least, for the reasons stated above for claim 1.

Applicant does not concede that claims 16, 18-19 and 21-30 are not patentable based on the rejections and reserves its rights to file a continuation application containing such claims should Applicant so desire. Nonetheless, Applicant respectfully requests

claims 16, 18-19 and 21-30 be cancelled, without prejudice, in order to obtain allowance of the remaining pending claims.

Accordingly, Applicant respectfully submits that the combination does not disclose or suggest each and every element as recited in independent claims 1, 31, 45, and 46. Claims 2-8 and 10-15 are dependent (directly or indirectly) on one of the claims 1, 31, 45, and 46. Therefore, Applicant respectfully requests the rejection to claims 1-8 and 10-15 under 35 USC 103(a) be withdrawn.


Accordingly Applicant respectfully submits that the remaining pending claims are in condition for allowance. Accordingly, Applicant respectfully requests the pending claims be allowed.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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